

Remarks

Claim 25 is amended, claims 26-30 are added, and claims 12-24 are canceled. Claims 25-30 are currently pending. Claim 25 is amended to more clearly define the claimed subject matter.

Claims 12-24 are cancelled without prejudice or disclaimer. Applicant reserves the right to prosecute such claims in further applications.

Support for the amendments to claim 25 may be found throughout the specification and in particular at page 5, lines 23 to 31. Support for the release of the CEA/NCA-imposed distortion of tissue architecture is also found throughout the disclosure and in particular at page 14, line 22, lines 15 to 32, and in Figures 3 to 5. Support for amino acid region 30 to 82 in claim 26, is also found throughout the disclosure, in the claims as filed, and in particular in Figures 9, 10A-F and 11A, and at page 5, line 29, page 10, lines 12-16, and page 15, line 3 to page 16, line 10.

Support for claims 27-30 can be found in the hereby cancelled claims.

In response to the Restriction Requirement, Applicant provisionally elects, with traverse, the claim of Group XXIII (claim 25), directed to a method of relieving a CEA/NCA-imposed inhibition of differentiation, and/or CEA/NCA-imposed apoptosis, and/or CEA/NCA-imposed distortion of tissue architecture, which employs an anti-CEA/NCA antibody which disrupts a CEA/NCA interaction involving a N-terminal domain of CEA/NCA between amino acids 1 to 107 of SEQ ID NO:5, such as SEQ ID NO:1 (residues 30 to 35). Reconsideration and withdrawal of the Restriction Requirement, in view of the remarks herein, is respectfully requested.

The Restriction Requirement is traversed on the basis that the inventions are closely related. For example, a claim directed to a method of relieving a CEA/NCA-imposed inhibition of differentiation, and/or CEA/NCA-imposed apoptosis, and/or CEA/NCA-imposed distortion of tissue architecture, which employs an anti-CEA/NCA antibody which disrupts a CEA/NCA interaction involving a N-terminal domain of CEA/NCA between amino acids 30 to 35 of SEQ ID NO:5, i.e., SEQ ID NO:1 (Group XXIII; claim 25) is clearly related to a claim directed to a method of relieving a CEA/NCA-imposed inhibition of differentiation, and/or CEA/NCA-imposed apoptosis, and/or CEA/NCA-imposed distortion of tissue architecture, which employs an anti-CEA/NCA antibody which disrupts a CEA/NCA interaction involving a N-terminal

Serial Number: 09/637530

Filing Date: August 11, 2000

Title: CEA/NCA-BASED DIFFERENTIATION CANCER THERAPY

domain of CEA/NCA between amino acids 42 to 46 of SEQ ID NO:5, i.e., SEQ ID NO:2 (Group XXIV; claim 25) and to a claim directed to a method of relieving a CEA/NCA-imposed inhibition of differentiation, and/or CEA/NCA-imposed apoptosis, and/or CEA/NCA-imposed distortion of tissue architecture, which employs an anti-CEA/NCA antibody which disrupts a CEA/NCA interaction involving a N-terminal domain of CEA/NCA between amino acids 80 to 82 of SEQ ID NO:5, i.e., SEQ ID NO:25 (Group XXV; claim 25).

The Restriction Requirement is also traversed on the basis that Restriction Requirements are optional in all cases. M.P.E.P. § 803. If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it arguably may include claims to distinct or independent inventions. M.P.E.P. § 803. Moreover, it is submitted that Applicant should not be required to incur the additional costs associated with the filing of multiple divisional applications in order to obtain protection for the claimed subject matter. For instance, due to the relatedness of Groups XXIII-XXV, as indicated by claim 25 as amended herein, Groups XXIII-XXV can be efficiently and effectively searched in a single search with no additional burden placed on the Examiner. Evidence that Groups XXIII-XXV can be efficiently and effectively searched in a single search with no additional burden placed on the Examiner is provided in the Restriction Requirement as those claims are in the same class (class 435) and subclass (subclass 377) for search purposes.

Thus, the Restriction Requirement is properly traversed. Accordingly, reconsideration and withdrawal of the Restriction Requirement is respectfully requested.

If any questions remain with respect to the present application, the Examiner is requested to contact Applicant's Representatives at the below-listed number.

Respectfully Submitted,

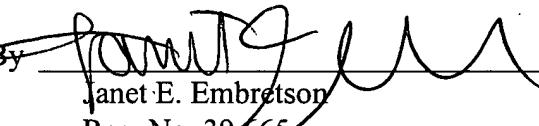
CLIFFORD P. STANNERS ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6959

Date April 12, 2004

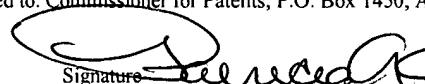
By

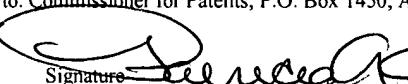

Janet E. Embretson

Reg. No. 39,665

CERTIFICATE UNDER 37 CFR § 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelop addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 2nd day of April 2004.

Name Parricia A. Hoffman


Signature


Devereux A. H.